

REMARKS

These remarks are responsive to the Office Action mailed on November 27, 2007 (“the Office Action”). The Applicant thanks the Examiner for a careful and thorough examination of the above-referenced Application, as well as the indication of allowable subject matter.

Applicant conducted a telephonic interview with Examiner Drodge on April 17, 2008. Applicant thanks the Examiner for his time and helpful discussion. Applicant believes the claim amendments provided herein overcome the art of record and respectfully requests indication of allowability.

The Examiner has objected to the status of the application, wherein the application and the claimed priority should be amended. Applicant has corrected this portion of the application, and respectfully requests this rejection be withdrawn.

Status of the Claims

At the time of the Office Action, Claims 36-62 were pending, Claims 36-62 being rejected. Claims 36, 62 are amended herein. Claim 63 is added in this response. Various dependant claims have been amended to agree with Claim 36 amendments. Support for these amendments may be found throughout the Specification, including drawings, therefore no new matter is being submitted.

35 U.S.C. § 102 Rejections

The Examiner has rejected Claims 36, 38, 39 and 59-61 under 35 U.S.C. §102(b) as being anticipated by Muller *et al.* (U.S. Patent Number 4,954,255). The Examiner alleges that Muller teaches all of the elements of independent Claims 36 and 62. Applicant respectfully traverses this ground of rejection.

As stated in M.P.E.P. § 2131, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”

Claim 36 currently recites that the successive pleat flanks are spaced by a pair of engaging increments of spaced form material increments. Muller fails to teach such pair of increments of formed material. Muller teaches “spacers” (6) disposed between the waves of filter media. However, the spacers 6 are not pairs of spacers engaging one another. To the contrary, Applicant teaches these engaging increments throughout the application. Applicant respectfully directs the Examiner to Figure 4, Figure 5, Figure 5a, Figure 6, Figure 7a, Figure 8a, and Figure 9a. All of the pairs of increments are engaging one another. Alternatively stated, these elements are in contact with one another. It is respectfully pointed out to the Examiner that without such engagement between the pairs of increments, the increments could not maintain spacing between adjacent filter pleats. Muller fails to teach such engaging structures, since the spacers are located on the inside of the media, and therefore are not engaging or in contact with one another.

Applicant has also amended Claim 36 to recite that each increment has a longitudinal axis, the longitudinal axis of the increments being substantially parallel to the long dimension of the media as shown in figure 3 of the application. Further, the claim recites that the pairs of increments have aligned longitudinal axes on the fluid filter media. The definition of the term longitudinal with this amendment only applies to the increments not the media.

Regarding Claim 62, the claim now recites that the media faces are spaced by a pair of engaging increments. Again, Muller fails to teach such pairs of engaging

increments, since the spacers 6 do not touch one another and instead are separated by the media. Finally, Claim 62 also recited that the pair of engaging increments are longitudinally aligned and normal to the filter face crests. Such structure is not shown in the prior art.

For at least the reasons set forth herein, the Applicant respectfully submits that the cited reference fails to anticipate independent Claims 36 or 62, or any claim depending therefrom. Thus, the Applicant respectfully requests that this rejection be withdrawn.

35 U.S.C. § 103 Rejections

The Examiner has rejected Claim 37 under 35 U.S.C. §103(a) as being unpatentable under Muller *et al.* in view of van Rossen (U.S. Patent No. 5,505,852) or Kahler. Applicant respectfully traverses this ground of rejection.

In order to render a claim obvious, three basic criteria must be met: (1) there must be some suggestion or motivation to modify the reference's teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference, must teach or suggest all the claim limitations. MPEP § 2143. The Applicant respectfully submits that the cited references, alone or combined, fail to teach or suggest all claim limitations of the allegedly anticipated claims.

Contrary to the Examiner's allegations, van Rossen fails to teach pairs of engaging increments along the filter media. Instead, the spacer elements (30) of van Rossen are located on the interior side of the filter media, similar to the Muller teachings. However, the material increments are not located on the outer surface of the filter media, and therefore are not engaging one another.

The Examiner has rejected Claims 40-42, 48, 50-52, and 54-56 under 35 U.S.C. §103(a) as being unpatentable over Muller in view of Enborn or van Rossen, and also in view of Cusick *et al.* (U.S. Patent No. 5,993,501). Applicant has reviewed these references, however the references fail to teach the elements recited previously. As a result, Applicant respectfully requests these grounds of rejection be withdrawn.

The Examiner has rejected Claims 43-46 under 35 U.S.C. §103(a) as being unpatentable over Muller in view of Kahler. However, these claims depend from Claim 36. The cited references fail to teach the missing elements cited previously. Applicant respectfully requests this ground of rejection be withdrawn.

The Examiner has rejected Claims 47 and 62 under 35 U.S.C. §102(b) as being anticipated or alternatively rendered obvious by Muller. Additionally, the Examiner has utilized Muller as a primary reference in rejecting claims 49, 53 and 57-58. Applicant maintains that these references fail to teach the amended elements of the claims at issue and respectfully requests these grounds of rejection withdrawn.

For at least the reasons set forth herein, the Applicant respectfully submits that the cited reference(s) fail to anticipate independent claims 36 and 62, or any claim depending therefrom. Thus, the Applicant respectfully requests that this rejection be withdrawn.

Conclusion

The Applicant respectfully submits that the application is in condition for allowance, and reconsideration and notice of allowance are respectfully requested. If the Examiner believes that prosecution might be advanced by discussing the application with the Applicant's counsel, in person or over the telephone, the Applicant's counsel would welcome the opportunity to do so.

Respectfully submitted,

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